

HWACalendar

GOVERNMENT DOCUMENTS
COLLECTION

FEB 1 1994

February 16, 1994

MEETING NOTICE

University of Massachusetts
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DEP ONE WINTER STREET BOSTON 7TH FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

9:30 Minutes of 12/15/94 meeting

9:35 Announcements

Policies recently finalized
Proposed change for Class A, Level I Recycling Permits
DEP Comments to RSPA/US DOT
Proposed change in 310 CMR. 30.408 (6)
Household Hazardous Waste Forum - Feb. 11
Commissioner's departure

10:00 Status Reports

Transporter Committee
Regs Review - On-site treatment by generators (see
attached) and waste oil subcommittee
Innovative Technology Forum - Gina McCarthy

10:45 Update on Innovative Technology Work - Steve DeGabriele

- Treatment in tanks
- Zero Discharge work effort
- Treatability studies
- R & D Permit
- RD & D Permit

* * * * *

Transporter Committee meeting
DEP, 5th floor conference room

February 9, 1994
10:00 - noon

Regs Review Subcommittee
MA Fish & Wildlife Library, Westboro

February 25, March 18
9:30 - 1:30

Waste Oil Subcommittee
State Archives, So. Boston

February 9, 1994
1:00 - 4:00



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
December 15, 1993

Members present: Brown, Lataille, McGregor (chair), Rubinstein,
Schloss

Absent: Adams, Cahaly, Cox, Mascoop, Ozonoff

The minutes of the 10/20/93 HWAC meeting were accepted as written. A recommendation from the Regs Review committee clarifying the matrix and requirement that generators of regulated recyclable material register with the Department is to be added to the minutes.

Greg McGregor requested that a list of upcoming meetings be sent out at least two months in advance.

McGregor announced that he is retiring from HWAC after 5 years of service and will be helping DEP and EOEA in other ways. His partner, James DeMaria, will be nominated by Mass. Assoc. of Conservation Commissions to take his place. Steve DeGabriele thanked Greg for his commitment of time and effort.

Nancy Wrenn distributed copies of the Guidance for Developing a Hazardous Material By-Law, which was produced by the Bureau of Resource Protection with the expertise of members of HWAC. Jacob Moss, Division of Water Supply, expressed appreciation to the members for their assistance.

Geoff Brown reported that the Regs Review subcommittee is now working on the issue of treatment by generators. John Davey said that the waste oil subcommittee is meeting this afternoon and working methodically through their task to review all waste oil regulations. For the Transporter Committee Davey and Al Nardone handed out a summary of the committee's work in 1993.

DeGabriele provided a summary of the recent technical training session offered for New England, New York and New Jersey waste management staff in pollution prevention, solid waste, hazardous waste and waste site cleanup programs, with a hand-out on some of the sessions. General impressions, DeGabriele said, were that EPA seems to lack aggressiveness. Five statutes are up for reauthorization but it is not known how many will be on the Congressional agenda. RCRA is not likely to be. MA has built pollution prevention into the EPA agenda and is ahead of other states in this area. Waste combustion strategy is the key priority

in Region I. The Universal Waste Rule, which could be very helpful, is looking only at batteries and pesticides. Some states may move forward independently if there is delay.

The national effort to standardize transporter regulations was the subject of one session. A reciprocal program is intended with registration and a fee in the state where the transporter is based. A national repository of information about these transporters is planned. New Jersey is most aggressive in the dispute. A "California compromise measure" is under review. A 4-state pilot program will begin in July, 1994 which will be closely monitored by NEWMOA. Enforcement provisions and the rights of states are important questions. Violations will be prosecuted under "base state" laws. A National Governing Board will review cases to determine whether a Federal permit should be revoked. Forms will be national but states can add safeguards, such as tank testing requirements. Geoff Brown asked if MA would be interested in joining the pilot, but it is not yet determined what is involved.

Steve DeGabriele offered an overview of 1993 in the Hazardous Waste Management Program, in the new Division of Hazardous Materials, formerly the Division of Hazardous Waste, which now includes TURA, Industrial Wastewater, and Low Level Radioactive Materials. Many changes are not yet externally visible, e.g. in the Bureau there is now an Office of Program Integration with multi-media teams and coordinators assigned to permitting, Compliance & Enforcement, Training, Reporting, Policy & Reg Development, Planning and tracking. A "Non-Facilities" team is yet to begin, but may include household hazardous waste, VSQG's, technical assistance, universal waste. Ethan Mascoop noted that Boards of Health can offer valuable input to non-facilities. Another change is the Bureau's move to multi-media inspections. Members expressed concern about the EPA's bias toward inspections of large "sources."

Steve Dreeszen discussed transporter licensing and Federal actions, one of which is to declare "unconstitutional" a "flat fee", which has stopped the charge for Vehicle Identification Devices. These are still being issued in MA and the SJC will determine whether the decision is retroactive, which at \$500-600,000 per year could be a significant loss.

Gina McCarthy reported that there have been no changes to the Siting Law (21D) this year. The only substantive problem in the proposed revision appears to be the site suitability criteria. Some legislators may favor certain areas. McCarthy said that one of the problems with passage is that they were unable to get the support from the regulated community. The only negative comments received were from the Town of Braintree. There has been no needs assessment done to date because data has not been available from DEP. Capacity assurance does not seem to be an issue at this time.

Steve Dreeszen said that due in part to the regulatory structure of 310 CMR 30.000, and the demand for a recycling research and development permit for Molten Metal Technology, there is now a

major program in the Department to become more proactive for innovative technology. The AG is requiring that DEP issue regs which work with the permit given to MMT. McCarthy stated that she has offered to assist with the development of an Innovative Technology Forum (required by the Legislature). This could change the jurisdiction of 21D, she feels, because there are powerful forces moving away from treatment and disposal to recycling, including many new businesses, and there is a need to preserve the goal of environmental protection.

Victoria Phillips, management information systems specialist for the Hazardous Waste Management Program, distributed a summary and example of the new computerized program for analysis of manifests from the electronic monthly operating reports submitted by transporters. Fifty percent of the data has been entered, 90% is expected to be in the system by February. Double counting has been avoided. Checks can be done on volumes of waste shipped to determine which generators may be inappropriately classified by status. Misuse of provisional numbers is now being addressed.

Nancy Wrenn provided a brief summary of progress on household hazardous waste, based on the 1991 recommendations from HWAC. Barriers to implementation have been lack of resources, e.g. one part time person, risk study designed and contractor selected but not funded, and data integration has been a low priority relative to other BWP MIS projects. Progress this year has been made:

- Paint collection costs dropped significantly
- Funding sources for collections have broadened:
 - Recycling budget leftovers
 - User fee (Paint collections)
 - Corporate sponsorship, Rexham Graphics
- Regs Review subcommittee work to expand 30.390
- One-day events continuing, better managed, lower costs
(Of 351 communities in 1993 over 100 had collections.)

Future trends, Wrenn sees, are more re-use, recycling, and reformulation of products, specialized one-day, and permanent collection programs, and reverse distribution collection system for waste paint and button batteries. Current needs are for clearer answers for "hard to manage" waste streams, e.g. antifreeze, creosoted lumber, fluorescent lights, market development for recycled paint, infrastructure: integration into solid waste planning, regulatory changes to encourage LQG and TSDF as host, paint only fixed drop-off and exchange programs, and administrative training. The second annual forum for household hazardous waste planners will be held February 11, 1994.

Following the meeting, there was the annual holiday lunch.

DRAFT

TYPE OF ON-SITE TREATMENT

TYPE OF TREATMENT	Allowed by DEP without Part B Permit	Level of DEP Oversight	FOR DISCUSSION PURPOSES
pH Adjustment	Yes	Low-Notification	
Evaporation (Water)	Yes	Medium-10 day permit	
Evaporation (VOC's)	Case study-Geoff	High-Permit (AQ)	
Solidification	Yes	No, but still hazwaste	
Stabilization	Yes	High-Case by case	
Precipitation	Yes	Low-Notification	
Chemical	No-See below for exceptions	High-Part B permit	FOR DISCUSSION PURPOSES
Filtration	Yes	Low-Notification	
Disinfection	Yes-VSQQs Discuss further	No oversight for VSQG's Case by case for others	

NOTES

Chemical treatment means the addition of one or more chemicals to create another chemical.

Allowed for epoxides, urethanes, and polyesters in de minimus amounts.

Solidification means to tie up free liquids. Results in a lower viscosity hazardous waste.

Stabilization means chemical alteration to prevent leaching, particularly when TCLP is used.

Hazardous waste is bound up within the structure of the resulting material.

Filtration is to include mechanical separation.

Disinfection is for those hazardous waste streams which also contain biological agents.

HWACalendar

April 20, 1994

MEETING NOTICE

DEP ONE WINTER STREET BOSTON 5TH FLOOR CONFERENCE ROOM

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GOVERNMENT DOCUMENT
COLLECTION

Agenda

- 9:30 Minutes of 2/16/94
- 9:35 Announcements
HWAC appointments
- 9:45 EOEa Planning Process for Household/VSQG Hazardous Waste -
Scott Cassel, Director of Waste Planning and Policy
- BWP Hard to Manage Waste Work Effort - Nancy Wrenn
- 10:30 Regs Review Committee Draft Recommendations
on additions to 30.390 and Hard to Manage Waste -
Geoff Brown and Lynn Rubinstein, co-chairs
- 11:15 Research, Development & Demonstration Permit - continuing
discussion - Steve DeGabriele
- 11:45 Election of HWAC Steering Committee for 1994

Transporter Committee meeting
DEP, 5th floor conference room

April 13, 1994
10:00 - noon

Regs Review Subcommittee
DEP, 3rd floor conference room

April 20, 1994
1 - 3 PM

Waste Oil Subcommittee
State Archives, So. Boston

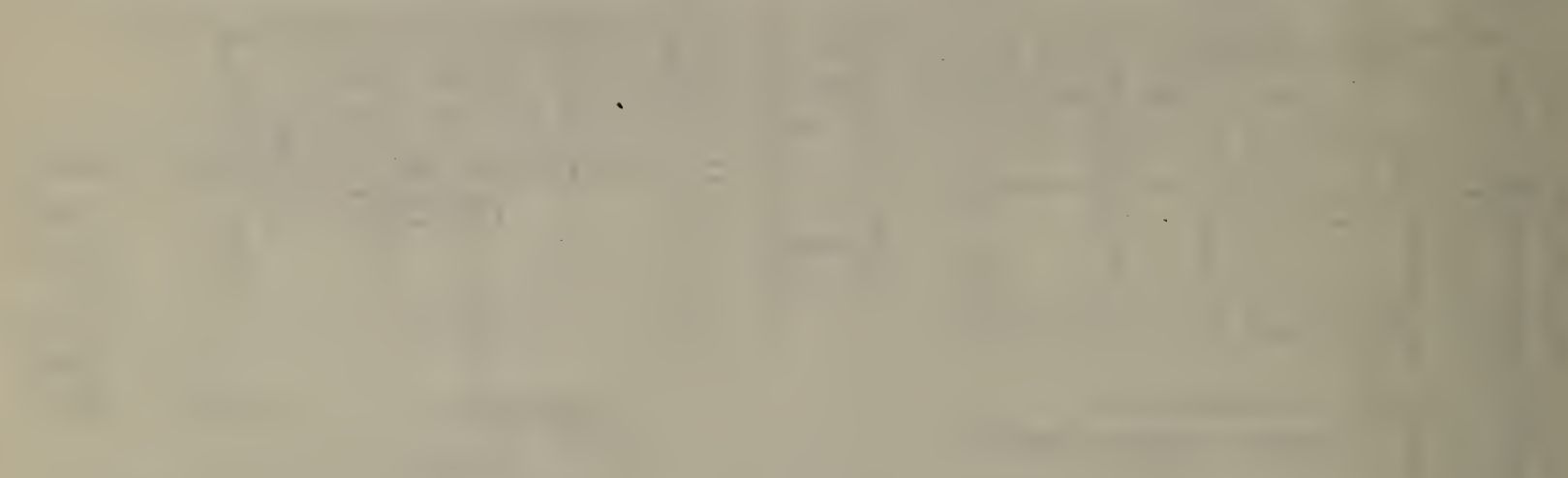
April 13, 1994
May 4, 1994
1 - 4 PM

Note: Change to 5th floor conference room.

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Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
February 16, 1994

Members present: Adams (chair), Brown, DeMaria, Lataille, Mascoop, Rubinstein

Absent: Cahaly, Cox, Ozonoff, Schloss

The minutes of the 12/15/94 meeting were reviewed. In the summary of the Northeast training workshop on transporter licensing, the word "dispute" in the 5th line of the first paragraph on p. 2 was questioned for context. The context is the states' efforts to retain control over their transporter programs, now under challenge in various states. The minutes were accepted with the suggestion that this sentence be clarified.

Announcements:

Jim Miller distributed a recently issued interim policy on the management of carbon cannisters which are sent off-site for regeneration. In order to create consistency across the state the Department has determined that these cannisters may be classified as a non-hazardous waste if they are contaminated only with unused petroleum product. If they are determined not to contain any listed wastes, or if they are tested and fail for TC, they may be shipped as a regulated recyclable material if the generator obtains a Class A Recycling Permit and sends the canisters for regeneration. If the carbon is contaminated with a listed waste, it must be handled as a hazardous waste, under the Mixture rule. Miller announced that a policy on the management of solvent-contaminated rags is imminent.

Steve DeGabriele said that the proposed change for Class A, Level I recycling permits is in draft and should be ready by the next meeting of HWAC. He expects some minor differences with the committee's recommendations. A new notification form may be required. A proposed change in 310 CMR 30.408 to clarify the transfer of wastes from truck to rail at TSDF's is also in draft.

DeGabriele reported that DEP has sent comments to DOT to support New York's position relative to the chemical waste transporters association challenge.

Nancy Wrenn reported that, despite heavy snow, seventy people attended the recent forum for household hazardous waste planners on February 11. HWAC members Rubinstein and Adams were panelists. Gina McCarthy noted that Lynn Rubinstein raised an important

question of what is the goal of household hazardous waste collection, given the limited resources and high cost for each community to hold a collection. Andrea Adams stated that it should not be "too easy" for people to dispose of their hazardous waste. Geoff Brown suggested there may be need for limited collections, e.g. pesticides.

DeGabriele announced that Commissioner Dan Greenbaum has resigned and will be assuming the presidency of the Health Effects Institute in Cambridge. Tom Powers will serve as acting commissioner until his replacement is announced.

Status Reports:

Al Nardone reported that the transporter committee has sent a letter to the Commissioner urging that the proposed regulatory amendments for waste oil marketers be moved into a higher priority on the BWP agenda. The "Alliance" of states which is working on the federal pre-emption issue has developed a proposal for regulating and licensing transporters. New Jersey has raised a critical concern about reciprocity and wants to retain their enforcement capability.

Geoff Brown reported that the Regs Review subcommittee is recommending that generators be allowed to treat in tanks with varying degrees of oversight by DEP. He has consulted colleagues who are environmental managers and learned that pH adjustment and evaporation (water) are the most likely applications in their plants. He then reviewed a draft chart prepared by the subcommittee which outlines various types of treatment and the proposed level of oversight. [Note correction: Solidification results in a higher viscosity hazardous waste.] Lynn Rubinstein noted that such changes might encourage new approaches to treatment. Chemical treatment is not recommended, with the exception of reactives such as epoxies, urethanes, and polyesters in small amounts. Filtration could include centrifugation. Miller noted that there are background documents on the federal regs which are important for the committee to consider. Experiences in other states where the federal rules apply would also be helpful to review. Reporting requirements, generator status, OSHA requirements may also be relevant. Peter Egan, a member of the Waste Oil Subcommittee, reported that this committee is now comparing the new federal rules to existing Mass. rules. DeGabriele said that the work of these advisory committees is valuable to the program because DEP has not had time to revisit the regs.

Innovative Technology work:

DeGabriele introduced a summary of the Innovative Technology work which has been going on at Comm. Greenbaum's request for several months. Many players are involved: EOEA, the Innovative Technology Forum, DEP and within the Bureau of Waste Prevention.

Gina McCarthy reported on the Forum, a technical advisory group for EOEa, which she has been staffing since December. Sec. Coxe is the chair, Gloria Larson of Economic Affairs, Sen. Robert Durand, the Environmental Business Council, and other industry representatives are members of the Forum. The Forum is looking at ways in which the state can assist, i.e. regulatory streamlining to provide a predictable timetable and market availability for innovative environmental technology which is energy-efficient and enhances environmental protection. The Forum is considering partnerships to enhance private investment and technology transfer. Brown noted that his company had been unsuccessful in getting approval for a co-generation project and advised that DEP permitting flexibility would also be required. Dean Spencer, who is directing the DEP IT effort, noted that N.E. Power was able to do an economically viable co-generation project in Salem Harbor. Best Available Control Technology (BACT) is designed to be technology-forcing, he said. It must however be available and achievable. The classic BACT analysis does not address economic viability, but is a flat cost per ton of attainment. McCarthy said the large companies have been reluctant to get involved with shifting technologies and the state needs to do a better job of defining this, with specific standards and fixed targets. The Clean State Program, as a demonstration in purchasing, may lead to the development of infrastructure within the state, e.g. technology transfer centers through UMASS Amherst.

Dean Spencer provided an update on DEP's efforts with IT. Regulatory structures, he acknowledged, may have unanticipated results. The discussion centers on fixed standards vs. technology-based standards. Certain tools have been identified within DEP's programs, e.g. TURA waivers. Several "pathway" programs are now under review for opportunities to use innovative technology:

- septic systems, which now must be upgraded, will provide an opportunity to try new technologies on a pilot basis and for remedial situations;
- water supply (lead and copper rule) mandate to test will be a booming market for abatement contracts.

Spencer noted that there is likely to be a cultural clash between the entrepreneur and the regulator, one being a risk taker, the other a protector. He suggested that early discussion of the information which DEP would need is critical because of the uncertainty for the entrepreneur. The focus should be on physical risks, with a balancing of the risks if remediation did not take place. Screening assessment could be done on state-managed clean-up sites.

DeGabriele then described the work going on in the Hazardous Materials Program related to innovative technology. Using a matrix chart, he identified the relationship with the existing program, existing federal rule, and proposed federal rule of the work items: treatability studies, research development and demonstration permit (RD&D), zero discharge, recycling/waste oil and on-site treatment in tanks and containers.

Rules for RD&D and Zero Discharge permits are anticipated to be proposed for addition to Massachusetts regulations in Summer 1994. EPA Region I has never issued a federal RD&D permit, which has been viewed by some as an impediment or disincentive. Massachusetts hopes to get authorized to be the permitting agency. Treatability studies, which are much smaller in volume (250 kg limit per day), could lead to a larger scale R&D (research and development) or RD&D permit. While the RD&D is a continuing activity, the R&D permit could lead to a TSDF or recycling permit. Time limits will be a factor in all these permits. (Fifteen treatability studies have been approved by DEP during the last 5 years.)

The zero discharge work is expected to result in a new permit activity under the Clean Water Act. Discussion with EPA is now going on and EPA has been participating in the work group.

DRAFT

HOUSEHOLD HAZARDOUS WASTE REGULATIONS
310 CMR 30.390-.394

Summary of Draft Recommendations from the Reg Review Subcommittee
April 10, 1994

The Regulations Review Subcommittee offers the following recommendations for amending the state's regulations pertaining to household hazardous waste (HHW). The recommendations reflect a consensus that efforts should be taken to encourage the collection of HHW by making it easier and less costly to operate one-day and mobile collections, by encouraging the involvement of Large Quantity Generators (LQG's) and Hazardous Waste Treatment Storage and Disposal Facilities (TSD's) in the collection of HHW, and to encourage the establishment of permanent paint collection centers by streamlining the site approval process.

Specific Recommendations:

I. Allow involvement of Large Quantity Generators (LQG's) and Hazardous Waste Treatment, Storage and Disposal Facilities (TSD's) in the collection of HHW, by:

- A. Drawing a distinction between an "organizer" and a "host," by adding the definition of "host" to include an LQG or TSD which conducts an event or establishes or maintains a center on its site where hazardous waste is currently generated or stored.
- B. Hosts, so defined, should be allowed to do the following in accordance with 30.390-.394, under the following conditions:
 - 1. Conduct a one day HHW collection for company employees and their families;
 - 2. Allow the permanent collection of HHW from employees and their families;
 - a. A TSD which establishes a permanent HHW collection center in accordance with the conditions listed above shall establish that collection center in a segregated area of the site, and shall not be required to include the HHW accumulated within the storage limitations of its Part B permit, nor be restricted to the waste streams identified in its Part B permit (21D regulatory revisions should be sought if necessary), and
 - b. Any LQG which establishes a permanent HHW collection center shall limit the wastes collected and stored to those wastes normally generated or stored at the site, after having established an appropriate record keeping procedure;

3. In partnership with an organizer, conduct a one-day HHW event open to people who are not employees of the host, or establish a permanent HHW center for persons other than employees, after receipt of written approval by the local governing body in consultation with the Conservation Commission, Board of Health and Fire Department.

II. Increase from 24 hours to 48 hours the time allowed for removal of all HHW from the site of a one-day event.

III. Allow as part of a system to provide economical, mobile collection alternatives for HHW, the designation by a Board of Health, after approval of the local Fire Chief, of a location to transfer closed, sealed containers of HHW from one HHW collection vehicle to another transportation vehicle, with no consolidation or commingling of wastes, and after written notice to the Department. The location designated may not have on site at any one time more than one truckload of HHW, based on the capacity of the vehicle to contain a single layer of drums, and the waste in transportation must reach its final destination within the 10 day transportation period.

IV. Less restrictive criteria should be established for the start-up and operation of paint only collection centers in recognition of the need for, and the limited risks involved with, these centers. Rather than meet the requirements of 30.393(6), these paint only centers should have less restrictive application and approval procedures similar to those detailed for waste oil centers specified in 30.393 (5). An organizer, or a host in partnership with an organizer, should be allowed to establish a paint only center under the following conditions:

A. Approval of the BOH and Fire Department with written notice to the Department, after taking into consideration:

1. the suitability of the center's location;
2. the proposed emergency response plan;
3. dedicated staffing by OSHA 40 hr trained personnel whenever paint is to be accepted;
4. provision of bulking operations by licensed contractors only;

B. Such paint only collection centers will be subject to the 90 day accumulation rule, reporting requirements and management standards of all HHW centers.

DRAFT

SUMMARY REPORT

IDENTIFICATION AND LISTING OF HAZARDOUS WASTES (Section 30.100 to 30.161)

FOR DISCUSSION
PURPOSES

Discussed by the Regulations Review Subcommittee: April, 1993
Draft Reports Reviewed: December, 1993; March, April, 1994

Major items of concern within this section were:

1. Ideas to create a category of wastes at the State level in light of EPA's Universal Wastes Idea.
2. How to handle interplay between a special/Universal waste and a fully-regulated hazardous waste.

ODD BALL WASTES

The EPA has developed a "Universal Wastes" category which will remove batteries and banned pesticides from full regulation as hazardous wastes as a way to encourage recycling.

The development of this Federal category makes it difficult to discuss the merits or detriments of a similar category of wastes at the State level.

Subcommittee nonetheless believes the idea of less restrictive regulations for certain types of hazardous wastes is a good concept.

Subcommittee suggests the list of potential wastes (below) as a beginning to any discussion of a Universal wastes category at the State level. This only a partial list. Other waste types may also be suitable for inclusion.

Oil Rags

Antifreeze

Batteries (Wet and Dry)

Mercury Switches

Fluorescent Bulbs/Ballasts

Petroleum-Contaminated Soils

REGULATORY INTERPLAY

Subcommittee recommends that if the State develops regulations for so-called special/Universal wastes, that those regulations be a separate section **within** 310 CMR 30.00.

Another issue was how to structure the potential new section: does a waste start as a special/Universal waste and **rise** to full regulation under 310 CMR 30.00 **or** does the waste start under 310 CMR 30.00 and **fall into the less restrictive** special/Universal waste category?

Subcommittee also recommends that special/Universal wastes be reviewed on a case-by-case basis to determine best management practices (BMPs) suitable to exempt these wastes from full state hazardous waste regulations. Section 30.104 of the state hazardous waste regulations was cited as an example.

Subcommittee felt "Universal Wastes" could be used as the title for a potential new section in 310 CMR 30.00 but that use of this phrase could pose problems (confusion, overlap, conflicting sets of regulations) based on what the Federal EPA does.

Draft prepared: 4/11/94

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FOR DISCUSSION
PURPOSES

HWACalendar

June 15, 1994

MEETING NOTICE

DEP ONE WINTER STREET BOSTON BERKSHIRE ROOM, 10TH FL

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Agenda

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COLLECTION

9:15 Minutes of 4/20/94 meeting

9:20 Announcements

JUN 01 1994

9:30 Updates and Status Reports:

- Futures Day - members who attended
- Incorporation by Reference - James Miller
- Regs Review Subcommittee - Geoff Brown, Lynn Rubinstein
- Class A Generator Reg Revision - Steve DeGabriele
- Research Development & Demonstration Reg - DeGabriele
- Management of remediation wastes - John Carrigan
- Supreme Court municipal ash decision - DeGabriele

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10:45 Capacity Assurance Plan and Results of Biennial Report
information from Large Quantity Generators -
Victoria Phillips, MIS coordinator

11:00 Overview of 30.900 - Financial Responsibility
Requirements for Treatment, Storage and Disposal
Facilities - Bruce McComb, Licensing staff economist

11:15 Election of Steering Committee
August 17 HWAC meeting - possible field trip to Molten
Metals Technology, Fall River

Note: The room we will be using is scheduled for another
meeting beginning at 11:30. We urge everyone to come at 9:15 so
that we can conclude our business in two hours.

Upcoming Subcommittee Meetings

Transporter Committee meeting
DEP, 10th fl. Berkshire Room

June 8, 1994
10:00 - noon

Regs Review Subcommittee
DEP Central Regional Office
75 Grove St., Worcester

For info. call Andrea Adams,
(508) 362-3828

Waste Oil Subcommittee
State Archives, So. Boston

For info. call Len Landry,
(617) 246-4210



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
April 20, 1994

Members present: Adams (chair), Cox, DeMaria, Franklin, Mascoop, Schloss

Absent: Brown, Cahaly, Lataille, Rubinstein

The minutes of the 2/16/94 HWAC meeting were accepted. New governor's appointee to the committee, Kirk Franklin, was introduced. Nancy Wrenn announced that the appointments of Adams, Brown, DeMaria, and Lataille had been submitted to Secretary Coxe.

Comprehensive Household Hazardous Waste Planning:

Scott Cassel, Director of Waste Planning and Policy for EOE, described the process he and Nancy Wrenn have been involved in in developing a comprehensive household hazardous waste policy, one of 24 top priorities for EOE this year. Regional meetings have been held in western and central Mass., Boston, and the Northeast. A portion of the proposed Clean Environment Fund budget has been pledged for recycling programs related to hazardous household products and education. Given the limited funding and small participation rates, Cassel is exploring the benefit of hhw collections and the impact on disposal facilities, if specific waste streams are not collected. He will propose focussing on the most toxic products, as well as those which are high volume. At solid waste hearings held yesterday at the State House which dealt with batteries and used oil EOE and DEP committed to developing a comprehensive automotive products bill and comprehensive battery bill. A new national association (The North American Hazardous Materials Management Association) is expected to press for risk assessment studies on some of the household products in question. Some data exists, e.g. mercury has been reduced at the Springfield resource recovery facility following a button battery collection program. Mary Ellen Schloss noted that there is need for education and information about where waste is going, also for services for people who are moving. Ethan Mascoop noted that small businesses, e.g. landscapers, home service contractors, could also be helped with their waste. Jim DeMaria expressed concern about municipal liability.

Nancy Wrenn described the current DEP work effort she is involved in on "hard to manage waste" with staff from the Solid Waste program. A number of wastes which have a hazardous potential are being ranked according to their toxicity, volume, and concern to the public. The Department hopes to be able to clarify the

management of these wastes in the form of a manual. Some may qualify for the new Universal Waste category.

Andrea Adams, member of the Regs Review Subcommittee, presented preliminary recommendations on a category of "odd ball" wastes, which the committee has not completely identified, but would be similar to the "hard to manage waste". The committee recognizes that these wastes are typically handled on a case-by-case basis due to their diverse characteristics, that policies have been developed for some but that there is no direct information within the current hazardous waste regulations which assists the affected generator of the waste. They therefore recommend establishing a special section within 310 CMR 30.000 for such wastes. Steve DeGabriele noted that there are a variety of management approaches in the regulatory framework and frequently the impediment to simplifying the regulations is the testing requirement. In particular, the permit requirements for facilities which process these wastes may be a disincentive. Examples of where long term debate has taken place are the mixture rule and the Hazardous Waste Identification Rule. Because Mass. has to be as stringent as the federal, there has not been latitude. Al Shaines commented that this approach is similar to the Regulated Recyclable Materials section. DeGabriele sees the Universal Waste Rule as a help since it will relieve the testing requirement.

Adams stated that the subcommittee is also recommending additions to the 30.390 section which would streamline the approval process for fixed paint collection centers, extend the time allowed for a one day collection to 48 hours, and allow LQG's and TSDF's to be "hosts" of household hazardous waste collections. Cassel asked that the take-back-to-retailer approach for leftover paint be included. Adams noted that on Cape Cod they are emphasizing the hierarchy of waste management and promoting education.

Research, Development & Demonstration Permit:

DeGabriele reported that new Massachusetts rules are being developed which go beyond existing federal and state rules, for facilities which will engage in continuing research at a scale larger than "treatability" allows. These new rules would allow Mass. to have the lead on such approvals. Such approval would have a 5 year duration and could be renewed, similar to a TSDF permit. The distinction between "treatment" and "recycling" will be eliminated. Certain technical and procedural requirements can be waived but not financial responsibility and public participation. The steps to be described in the reg will be a (1) review process, (2) DEP determination of scope of application, (3) completeness and technical review, (4) draft decision, (5) public participation, and (6) final action. Draft language is expected to be ready by the next HWAC meeting. There will be provision for confidentiality if information in the permit application is proprietary. Upcoming regulatory packages are expected to include zero discharge rules and the new federal treatability rules.

HWACalendar

GOVERNMENT DOCUMENTS
COLLECTION

August 17, 1994 University of Massachusetts
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MEETING NOTICE

Published by the Hazardous Waste Management Program
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for more information call Nancy Wrenn at 617-292-5587

The Committee will be making a field trip to the Molten Metal Technology company in Fall River in the morning. Committee members should RSVP to Nancy by August 12.

This meeting will be held in the second floor library of the Lakeville office of DEP at 20 Riverside Drive,

Directions: From Boston, Rte. 24 south to Rte. 495 south. Take exit 4 (Rte. 105), turn right. Look for Lakeville Corporate Park on left. DEP building (new) is 2nd building on right.

From Fall River, Rte. 24 north to Rte. 495 south.
Same as above.

AGENDA

1:30 PM Minutes of June 15 HWAC meeting

Announcements

Updates and Status Reports:

Public hearings
Regs Review subcommittee
Class A Recycler Reg Revision

Re-engineering RCRA - the national discussion

See Public Hearing Schedule in Public Hearing Draft Document.

Transporter Committee meeting
DEP, One Winter St., Boston, 5th fl.

August 10, 1994
10 AM - noon

Regs Review Subcommittee
DEP, 75 Grove St., Worcester

August 4, 1994
9:30 AM - 1:30 PM



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
June 15, 1994

Members present: Adams, Brown (chair), Cahaly, Franklin, Lataille, Rubinstein, Schloss

Members absent: Cox, DeMaria, Mascoop, Ozonoff

The minutes of the HWAC meeting of 4/20/94 were approved as written.

Updates and status reports:

John Carrigan, staff geologist, distributed the first section of a Draft Comprehensive Remediation Waste Management Policy dealing with the regulatory classification of remediation waste. This policy is the result of a year's effort between the Bureau of Waste Site Clean-up and the Hazardous Waste Program with the Superfund Advisory Committee. EPA, Carrigan said, has classified soil and groundwater media on a risk-based determination. According to this draft policy (expected to be final in August), if soil is contaminated with a listed hazardous waste below residential (RC) reportable concentrations, it will not be classified as a hazardous waste.

Steve DeGabriele described the upcoming Regs Package which will receive public hearings between July 25 and August 5. A second package of reg changes will likely come out in the fall. Items in the current package are the continuing research permit (RD&D), the Class A, Level I revisions, adoption of recent federal rule which expands the allowable quantity within treatability studies, security requirements for handlers of regulated recyclable materials consistent with those for hazardous waste generators, clarification of tank compliance requirements to be consistent with the Mass. Contingency Plan, and rules regarding direct transfer of hazardous waste by licensed transporters.

In response, Cahaly questioned whether a commercial recycling operation and a research activity could co-exist at the same facility. He recommended that the word "site" be changed to "facility" and that the regs distinguish between "technology" and "waste streams," the goal being flexibility. Rubinstein and Brown, members of the Regs Review subcommittee, questioned the intent of the Class A permit notification system relative to the system proposed by the committee, noting that they wanted to avoid redundancy and keep the recycling application simple. DeGabriele noted that a 21-day permit is proposed to assure that applicants are not in the wrong classification. On a motion by Cahaly,

members voted unanimously to allow the subcommittee members to continue a dialogue with DEP staff without going through HWAC on the Class A issues.

DeGabriele also discussed the recent Supreme Court decision which dealt with ash from municipal solid waste incinerators. Much time has been spent looking at the many issues, e.g. physical point of generation, frequency of testing and on-site treatment of the ash. Until final land disposal standards are published, MA will not require a license for management or treatment of ash which is an integral part of the process, or occurs prior to the point of generation. Brown requested that HWAC be copied as policies are developed.

James Miller reported that the first phase of the Incorporation by Reference project has been pretty much completed. Within 3 months he expects to have completed all 64 on the checklist. There is an issue of how to deal with federal policy mandates and determination of equivalency in the Definition of Solid Waste.

Capacity Assurance and Biennial Report Results

Victoria Phillips, now acting fees coordinator for DEP, gave a summary of the 1991 Biennial Report data, which covered 310,000 tons of RCRA waste from 539 Large Quantity Generators, including D and F coded contaminated soil. Because of the electronic submittals, the data was entered in 3 hours rather than 3 months. 1993 data may be ready this fall. In 1993 MA took a national capacity approach and will learn soon whether there is a national capacity shortfall and what EPA proposes to do about it.

Financial Responsibility Requirements for TSDF's

In response to the Regs Review committee's work Bruce McComb provided an overview of 310 CMR 30.900. The state's Insolvency Fund is a unique financial instrument which was created in 1987 when private insurance was no longer available for hazardous waste TSDF's. Only 9 facilities are currently participating, down from 15 several years ago. To date, no payments have been made from the Fund, which would be drawn from (1) money accrued in the affected facility's financial instrument; (2) liquidation of any recoverable assets; and (3) activation of the Insolvency Fund, which would bill all LQG's based on the amount of hazardous waste generated in the previous year, in that order. MA regs require liability coverage in the amounts of \$3/6 mill. vs. \$1/2 mill. required by EPA for sudden accidental occurrences.

Members agreed to hold their next meeting at the DEP Regional office in Lakeville, following a field trip to the MMT plant in Fall River, if that could be worked out.

Members voted unanimously the following as their Steering Committee for 1994-1995: Adams, Brown, Cox (pending confirmation), and Rubinstein. Motion made by Cahaly, seconded by Lataille.

HWACalendar

October 19, 1994

MEETING NOTICE

DEP ONE WINTER STREET BOSTON 7TH FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

This meeting will be entirely devoted to the report and discussion of recommendations of the Regulations Review Subcommittee, including the Waste Oil Subcommittee recommendations.

See Executive Summary which is enclosed. Full reports will be mailed to HWAC members prior to the meeting and will be made available to interested persons on request after the meeting.

9:30 Minutes of August 17, 1994 meeting

Announcements

9:45 - Recommendations of the Rules Subcommittee -
Noon Lynn Rubinstein and Geoff Brown, co-chairs

GOVERNMENT DOCUMENTS
COLLECTION

NOV 08 1994

University of Massachusetts
Dartmouth College

HWAC RULES SUBCOMMITTEE
EXECUTIVE SUMMARY OF RECOMMENDATIONS

Presented here is a broad summary of the recommendations contained in this report. The specific and more detailed recommendations can be found in the first appendix. This summary is only the broad concepts underlying the specific recommendations.

Identification & Listing of Hazardous Waste -

We recommend that DEP take full advantage of EPA's approach to "Universal Wastes", and make specific management standards for such wastes as Used Oil, Batteries (wet & dry), MA-99s (unless they fail TCLP), MA-04s, Petroleum Contaminated Soils, and PCB Contaminated Oil (<500 ppm).

Recyclable Materials & Oil

We have recommended that recycling of wastes should be promoted by **reducing the permitting requirements**, especially where wastes are recycled on-site by the generator. A chart of the specific permitting recommendations is in the detail. Our intent is to "open up" the environmentally responsible options to recycling, especially among the group of chemicals or mixtures that are now considered in Class-A permits. These recommendations with respect to recycling have already been adopted by HWAC.

For Used Oil, our recommendation is to further **promote used oil recycling**, while not eliminating management standards on waste oil that is truly hazardous. In general, the Rules Subcommittee recommends that used oil be given its own section in 310 CMR 30.000, as long as it is destined for beneficial reuse. If the used oil is truly Hazardous Waste (eg. fails TCLP, or contains a listed waste), then it is governed by the standards of 310 CMR 30.000 as a RCRA Hazardous Waste.

Provisions for Generators

General clarification and simplification of the **language in the Generators section** is badly needed. Changes are also recommended in the definitions, labeling, and contingency plans area.

We recommend that Generators be permitted by the DEP to **treat certain hazardous wastes on-site** as an alternative to treatment off-site, as long as RCRA authority is not exceeded.

Changes are recommended to encourage the participation of LQGs and expand the options for **Household Hazardous Waste (HHW)** collectors by making distinction between "host" and "organizer" and allowing for satellite storage facilities that are not TSDFs. We recommend that the allowable storage time for waste held on-site from a one-day collection be increased from 24 to 48 hours. We also recommend reduced requirements for "paint-only" HHW collection centers.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
August 17, 1994

Members present: Adams, Brown, Cahaly, Lataille, Mascoop, Rubinstein (chair)

Members absent: Cox, DeMaria, Franklin, Ozonoff, Schloss

Members visited Molten Metal Technology, a Research, Demonstration and Development facility in Fall River, prior to the meeting, which was held at the DEP Southeast Regional office in Lakeville.

The minutes of the HWAC meeting of 6/15/94 were approved. Nancy Wrenn reported that Bob Cox is willing to serve on the Steering Committee.

Legislative Announcements:

Wrenn reported that work is currently being done to develop consensus around two battery bills and that, if passed by the Legislature, a ban on the sale of mercury batteries is expected. Geoff Brown noted that there is no substitute for mercury batteries used by photographers. Members suggested that this topic be on the an upcoming HWAC agenda.

In response to a question about the status of the proposed revised "150B" (facility siting), Wrenn said that the siting issues and the legislation seem to have died. Gina McCarthy has moved into the position of TURA Council director at EOEa.

Updates:

Jim Miller reported that the recent public hearings were not well attended but that ten written comments were received. Comments were favorable toward proposed changes in treatability regs. The Department is reviewing suggested changes in the RD&D regulations regarding the application procedure and reporting requirements. HWAC members supported the need to encourage this type of activity while assuring that specific case-by-case approvals were possible. Some distinction between waste received by the research facility and waste resulting from the project is important, members felt. Miller stated that under the "derived-from rule," which is currently in review at the federal level, there is concern for sham recycling, popularly called "Toxics along for the Ride," or TAR. To determine whether the treated waste is still a hazardous waste, if it is a TC waste to begin with, it should be tested for TC after treatment. If it is a listed waste to begin with, it should be tested for the presence of those constituents which caused it to be

listed. Members agreed with the requirement that if the by-product fails TC or it has hazardous constituents, it is a hazardous waste. Brown noted that Marine Shales, a TSDF in Louisiana, is making aggregate which does not fail TC. Cahaly said that whether it is a listed or characteristic waste, it should be exempt from the "derived-from rule." Rubinstein said that the form matters, not just the chemistry.

Members approved of the proposed changes in the Class A Recycling regulations and requested that the matrix (Class A RRM Revisions Matrix, June 1994) be included in the regulations, with a description of each category added. Brown suggested that 30.212(9) (specification used oil activity) be a Level II permit.

A copy of the Federal Proposed Rule on Fluorescent Lamps was distributed and discussed by James Paterson who is working with staff from Solid Waste, Hazardous Waste and Air Quality to develop comments. Under the EPA proposed rule three options are presented: (1) send the spent lamps to a TSDF via manifest; (2) to a consolidation point, without a manifest; or (3) to a solid waste landfill. According to the National Electrical Manufacturers' Association (NEMA) 50 million lamps are replaced each month in the U.S. NEMA encourages landfiling and monitoring, with a sunset provision to reassess this in five years. DEP is not in favor of spent lamps going to landfill or to solid waste incineration, Patterson said. Adams noted that appropriate disposal should be available for households as well. Discussion centered on the environmental fate of mercury in landfills. Under current DEP interpretation, the recycling of spent lamps is voluntary. If the lamps go to a Massachusetts-based recycler, the recycler becomes the generator of the hazardous waste.

Status reports:

Brown reported that the Regs Review Subcommittee has been reviewing the recommendations of the waste oil subcommittee and wrapping up its own work. They have asked the waste oil committee to take a more aggressive look at the burning of used oil in space heaters. A final report is expected for HWAC in October.

Miller provided an update on the national "Re-engineering RCRA" debate, which is focussed on the barriers to recycling in RCRA, an outgrowth of the definition of "solid waste." Reauthorization of RCRA is not imminent.

Wrenn reported on the development of two new drop-off recycling programs for surplus paint and automotive products. Funding for equipment grants has come from unclaimed bottle bill monies. Rubinstein noted that in western Mass. no scrap metal dealer has been found to take empty steel cans.

The next meeting of HWAC will be in Boston on October 19.



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
October 19, 1994

University of Massachusetts
Depository Copy

Members present: Adams (chair), Brown, Franklin, Mascoop, Rubinstein

Members absent: Cahaly, Cox, DeMaria, Lataille, Ozonoff, Schloss

Also attending: Patricia Deese Stanton, Assistant Commissioner

Minutes of the August 17, 1994 HWAC meeting were approved as written. DeGabriele announced that the regulations for Research Facilities would be promulgated November 18.

The entire meeting was devoted to a presentation of Recommendations by the Regulations Review Subcommittee by Geoff Brown and Lynn Rubinstein, co-chairs of the subcommittee, which had been meeting monthly since January 1993. Brown thanked members of the subcommittee, particularly Andrea Adams for her constant efforts as secretary, and DEP staff who had served as resources. Rubinstein noted that much of the information had been brought before HWAC on regular updates and that, in particular, the Recycling section had already been endorsed by HWAC and was moving into the next regulatory package. Both acknowledged the work of the "Used Oil Sub-Sub Committee", chaired by Len Landry, whose recommendations had not yet reached consensus with the Regs Review Committee and therefore would be an attached "minority report." Copies of the overheads used in the presentation and the Recommendations (without the Used Oil committee's recommendations) were distributed at the meeting. A complete set of minutes of the Regs Review committee is to be attached to the final report given to the Department.

The goals and the challenge of the committee's work were outlined by Brown, who noted that in the future when regulatory packages are prepared, a lay reader should review them to assure they are understandable. Highlights of the presentation are:

Generator Section: Recommended regulatory corrections/amendments were: "redundant" labeling requirements; unrealistic Contingency Plan requirements; need for clarification of satellite accumulation areas; "treatment on site" should mimic federal allowances, but not as a substitute for toxic use reduction, and include a risk-based permit system (from simple notification to full license); addition of term "host" for household hazardous waste collections, and reduced requirements for "paint-only" collections.

Transporter Section: Clarification of "acceptance" vs. "storage."

Used Oil: Separate section in Mass. Regulations to include all cross references, and generic standards (e.g. allow 6 months storage) for one status of used oil generator; adopt many parts of

Federal regulations [40 CFR 279].

Facility Section: Location standards need to be developed by a separate subcommittee; licenses should be on 10 year renewal period, similar to the Federal.

Brown concluded the presentation by stating that a great deal of work had gone in to developing these regulations and that in implementing them during the past decade Mass. has learned a lot about hazardous waste and how it should be handled. The focus now is on toxic use reduction. Most generators want to do the right thing, the regulations need to be understandable and reflect the new way of thinking. The committee wants to present these recommendations to Commissioner Powers and senior DEF staff and will watch regulatory packages during the next 12-18 months to assure that their interests have been heard.

Discussion on the recommendations:

Ethan Mascoop said he supported the philosophy of the recommendations, wants to be sure that the regulations are in "educationable" form, e.g. a Used Oil packet, and that DEP needs to reach out to local Boards of Health and Fire Departments, "the front lines." Al Shaines noted that there could be "supplements" to the regulations. Regarding the recommendation on changes in contingency plan requirements, the committee co-chairs said that there should be a distinction between what is expected of LQG's and TSDF's, plan distribution has not been effective, and there may be some overlap with OSHA, SPCC, and stormwater regs.

Steve DeGabriele applauded the subcommittee for its work and said he shares many of their concerns, including the opportunity for generators to treat on-site, possibly through a new kind of permit without changing the statute. He questioned whether recodification will meet the goal of making the regulations understandable. Rubinstein and Brown responded that they felt the structure of the federal regulations would be easier even though the language might be equally difficult. DeGabriele noted that the goal was to recodify and then do changes. Could the committee suggest particular provisions which should go forward earlier? Brown suggested: household hazardous waste, treatment on-site, recycling rules and used oil as the highest priority. Andrea Adams said she would like to see used oil, household hazardous waste and treatment on-site. Shaines said treatment on-site is already being done and needs to be legitimized. Gina McCarthy said this is a resource issue, this is the time to make wholesale changes and there should be no prioritization. Members requested that recodification be discussed at the next HWAC meeting (scheduled for December 21).

Vote to accept: On a motion by Brown, seconded by Rubinstein, the five members present voted to accept the recommendations as written. (Wrenn reported that Leon Lataille had phoned that he approved them in principle.)

HWACalendar

December 21, 1994

MEETING NOTICE

DEP ONE WINTER STREET BOSTON 7TH FLOOR CONFERENCE ROOM

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

GOVERNMENT DOCUMENTS
COLLECTION

JAN 10 1995

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- 9:30 Minutes of 10/19/94 Meeting
- 9:45 Announcements and updates
Municipal Recycling Grants - Nancy Wrenn
HWAC representatives meeting with Commissioner
TURA Council, and AIM
- 10:00 Regulatory Development Work Plan - Jim Miller
- 10:30 Highlights of 1994 in Hazardous Waste Management
DHM Organizational Structure - Steve DeGabriele
Emergency Treatment Permits - Al Nardone
Enforcement Actions, including Strike Force - Bill Sirull
Innovative Technology Incentives - Steve DeGabriele
Targeted Compliance Assistance - Nancy Wrenn
- 11:30 National/Regional Report from EPA Annual Technology Transfer
Meeting - Steve DeGabriele
- 12:00 Holiday Luncheon

You are cordially invited to join us for our annual
buffet lunch (\$6.00/ person). Please call Nancy Wrenn at 617-292-
5587 by **Monday, December 19**, if you plan to stay for lunch.

Transporter Committee meeting
DEP, 5th floor conference room

December 14, 1994
10:00 - Noon

HWAACalendar

ASS. EA 24.3:1995/2

FEBRUARY 15, 1995

MEETING NOTICE

DEP ONE WINTER STREET BOSTON ATLANTIC ROOM- 10TH FLOOR

Published by the Hazardous Waste Management Program
for the HAZARDOUS WASTE ADVISORY COMMITTEE
for more information call Nancy Wrenn at 617-292-5587

Agenda

GOVERNMENT DOCUMENTS COLLECTION

- 9:30 Minutes of the 12/21/94 meeting FEB 27 1995
- 9:45 Announcements and updates University of Massachusetts
Multi-Disciplinary Advisory Committee meeting (3/21)
New Policies: Jim Miller
Batteries
Formulators - Commodity vs. Waste
- 10:00 Progress Report on Reg Revision - Jim Miller
and Andrea Adams
- 10:45 Emergency Treatment Permits (30.861) - Al Nardone
- 11:15 Printer Initiative - Nancy Wrenn
- 11:30 Steering Committee meeting:
Membership questions
Future agenda topics

Transporter Committee meeting
DEP, 5th Floor Conference Room

April 12, 1995
10:00 - noon



Massachusetts Hazardous Waste Management Advisory Committee

Minutes of HWAC Meeting
December 21, 1994

Members present: Brown (chair), Cahaly, Cox, Franklin, Lataille, Rubinstein

Members absent: Adams, DeMaria, Mascoop, Ozonoff, Schloss

Minutes of the 10/19/94 HWAC meeting were accepted as written. Lynn Rubinstein questioned whether a new member of HWAC had been present.

Announcements and updates:

Nancy Wrenn reported that there have been approximately 60 municipalities applying for surplus paint and used oil recycling equipment. A screening process is now being developed since all the requests cannot be filled.

Geoff Brown said there were smiles at AIM when he and Lynn presented their report on recommended revisions to 310 CMR 30.000. The general feeling is that the revisions will be more sensible and open up opportunities for recycling. They were surprised to experience very few questions at their presentation to the TURA Council. In contrast, the meeting with Commissioner Powers, which was attended by Ass. Comm. Ed Kunce, Arleen O'Donnell, and EOEA Policy Director, Scott Cassel, as well as Steve DeGabriele, was a lively dialogue. Powers commented, "We have to make this happen." Possible consultant assistance was mentioned. DeGabriele commented that given existing resources, it could take up to three years to accomplish the task.

DEP Work Plan:

The entire meeting was devoted to a "Coming Attractions" presentation by Jim Miller of the phased work plan to accomplish the changes in the regulations and discussion of the integration of the committee's recommendations. He explained that whenever there are changes in regs at the federal level, DEP in consultation with HWAC will routinely review them and within a year, incorporate them, as appropriate. Because the federal language will be adopted, the committee's hope for understandable regs may be difficult to achieve. DeGabriele reminded the committee that DEP's hazardous waste program is behind by 130 rules and that neither EPA nor DEP has the resources to move through authorization as we have known it.

When regs are written, the Department must be able to demonstrate that environmental protection is achieved. The regs which will be considered are those which are "broader in scope and more

stringent" (BIS/MS). One set of regs which are BIS/MIS are the Class A recycling regs. The biggest change proposed will be to move from a permit to a notification (21 days) and drop the lead acid batteries from the list. Other areas which are to be addressed in the first phase are the household hazardous waste regs (30.390), PCB, Zero Discharge and Transporters as Marketers. The Used Oil (federal Part 279) regs are a big project and will probably not be addressed in the first phase.

In looking at the treatment by generator question, Cahaly suggested that DEP would want to prevent the treatment of solids, which is a concentration issue. Brown suggested that DEP leave room for a case by case review to encourage waste minimization. He thought subcommittees could help work this out. Miller said he hopes to get out to peer review in August. HWAC can recommend people to talk to. Resources for communication with the regulated community are lacking. When the regs are revised, there will still be a need for guidance, DeGabriele noted.

Rubinstein questioned why the proposed reg change for transporters ("acceptance," etc.) was not proposed for the first phase. Miller said this was more complex than might be assumed.

The second phase and third phase were outlined. Betsy Davis from EPA questioned how quickly the IBR process would be completed. DeGabriele said that IBR had gotten delayed 6 months because of a high priority research facilities project and that now he is projecting a "critical mass of staff resources" will be applied to it in the second and third phases. Cox noted that the staff time is slim and does not account for the legal resources which may be needed. Cahaly moved that HWAC accept this draft work plan, as proposed, and work with Steve and staff to implement it. The motion was seconded by Rubinstein. The motion was approved unanimously.

Cahaly further suggested that HWAC go on record and send a letter to the Commissioner in support (Cox added request additional staff or outside consultants). This too received a unanimous vote in favor. Brown offered to draft the letter. Rubinstein noted that the Miller presentation had been fantastic. Cahaly said he thought the Rules committee should become a standing committee to work with staff on a regular basis. He moved that the steering committee appoint a chair* of a reconstituted Rules Committee. This motion was approved unanimously. DeGabriele noted that this committee could assist in developing the external communication.

An additional presentation by Brown and Rubinstein will be offered to Sec. Coxe, who is currently looking at all of DEP's rules.

*Immediately following the meeting, Brown telephoned Miller that Andrea Adams had accepted the position of liaison/chair.